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January 19, 2005

Filed Electronically:

Hon. Norman A. Mordue
United States District Court Judge
Northern District of New York
United States Courthouse
100 Clinton Street
P.O. Box 7367
Syracuse, NY 13261-7367

Re: RESCUECOM Corp. v. Google, Inc.
Case No.: 5:04-CV-1055 (NAM/GHL)

Dear Judge Mordue:

This letter requests, on consent of both parties, a further extension of time for filing of responsive papers and reply papers on defendant Google, Inc.'s motion to dismiss for reasons similar to those prompting the prior request.

On December 17, 2004 this Court granted the parties in the above referenced case an extension of time in anticipation of receipt of a written decision by a District Court Judge in a similar case entitled Government Employees Insurance Co. (GEICO) v. Google, Inc. et al. E.D. Va. Civil Action No. 1:04-CV-507, ("GEICO" case). The Virginia District Court had indicated in open court on December 15, 2004 that a written decision dismissing certain of GEICO's trademark infringement claims would be filed within a matter of weeks. The District Court has not yet entered its decision on the docket. It is expected by counsel for both plaintiff and defendant in this case that the District Court will likely file its decision soon. It is further expected that due to the similarity of the issues in the GEICO case, and the novelty of the legal issues presented in both cases, that the District Court's decision may be relevant to the issues at hand in this case, and present the need for requests by both parties to file additional papers in further support and opposition to Google's motion to dismiss.

Therefore, both RESCUECOM and Google respectfully request that this Court grant a further extension of time for service and filing of responding and reply papers of

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thirty days, with the specific due dates for filing of papers and submission of the motion to be set by the Court in its own discretion and at its own convenience. The Court has already indicated on the docket that the Court will take this motion on submission of papers and the parties need not appear on the hearing date.

Respectfully,

/s/ Edmund J. Gegan

Edmund J. Gegan

Cc by electronic notice: Shawn P. Regan, Esq.